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RICHARD BARNES

rmb@gdldlaw.com
(410) 783-4004

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PROFILE

Mr. Barnes currently serves on the national trial team representing Warner-Lambert and Pfizer Inc. in connection with the Rezulin drug product liability litigation. In February, 2002, he and Mr. Goodell obtained a defense verdict in a five-week jury trial in the Circuit Court for Montgomery County, Maryland. See Andrea Shaw, et al. v. Warner-Lambert Company, CA No. 209074. Mr. Barnes also serves as co-liaison counsel for Rezulin cases consolidated before the West Virginia Mass Litigation Panel. In July, 2001, Judge John A. Hutchison, sitting by designation for the Mass Litigation Panel, rejected certification of a statewide class seeking damages for personal injury and medical monitoring for West Virginia residents who were treated with Rezulin. Mr. Barnes is also National Coordinating Counsel for claims made against Pfizer Inc. in the Duracon Unicompartmental Knee Litigation.

Mr. Barnes has represented Pfizer Inc. in cases involving various drug and medical device products, including tetracycline, penile prostheses, orthopedic devices, and mechanical heart valves. He is currently a member of the national trial team for Shiley heart valve cases and is responsible for the defense and presentation of engineering, metallurgical, and regulatory witnesses. In addition, he obtained a temporary restraining order and permanent injunction against the owner of a pornographic web site in Maryland for the infringement and dilution of Pfizer's "Viagra" trademark. In other Pfizer litigation, Mr. Barnes obtained a summary judgment ruling, which established the precedent that Maryland law precludes recovery based on future harm unless the harm is more likely than not to occur.

Mr. Barnes served on the firm's national counsel team representing Teletronics Pacing Systems, Inc. in connection with hundreds of claims arising out of the alleged failure of pacemaker leads. See In

Re Teletronics Pacing Systems, Inc., Accufix Atrial "J" Leads Litigation, MDL-1057. The firm was responsible for defending state and federal class actions, which involved claims for personal injury and medical monitoring. Mr. Barnes was primarily responsible for the development and presentation of scientific, engineering, and clinical evidence on behalf of the company. He defended depositions of principal company witnesses, including the 30(b)(6) witnesses in the multi-district litigation, and conducted the depositions of all adverse expert witnesses regarding statistical, design, and engineering issues. Mr. Barnes presented a significant portion of the defense's case in a five-day summary jury trial held before The Honorable S. Arthur Spiegel in the United States District Court for the Southern District of Ohio. Mr. Barnes was also on the team that defeated certification of the personal injury and medical monitoring class in Zinser v. Accufix Research Institute, Inc., 253 F.3d 1180 (9th Cir. 2001), request for rehearing and rehearing en banc, denied, 273 F.3d 1266 (9th Cir. 2001). Currently, Mr. Barnes is the principal advisor to the company for ongoing regulatory and medical/scientific legal issues. He assisted in preparation of briefing on class certification issues, multi-district litigation, and substantive legal motions in state and federal courts. In addition, Mr. Barnes is currently responsible for the defense of the client in all non-pacemaker lead litigation in the United States and responsible for advising the company concerning regulatory matters and foreign claims.

DENTSPLY International Inc. is represented by Mr. Barnes nationally. As counsel for DENTSPLY, Mr. Barnes successfully defended a state court class action in Alabama alleging year 2000 compliance problems with dental practice management software. His representation also includes defending claims brought by licensees and advising about commercial disputes with independent value added resellers. With another partner at Goodell, DeVries, Mr. Barnes successfully represented this client in connection with a prosecution of a breach of license agreement to sell sterilants in the dental market.

Mr. Barnes represents Nissan Motor Credit Corporation in various commercial disputes and administrative matters in Maryland. Mr. Barnes serves as a preferred provider of legal services to Shell Oil Company in Maryland, the District of Columbia, and Virginia. This representation includes the defense of cases brought on behalf of franchisees as well as the defense in dealer disputes, product contamination cases, toxic tort claims, and environmental matters. Similarly, for Equiva Services LLC, Mr. Barnes represented Shell, Texaco, and Star Enterprise affiliates in various civil litigations in Maryland and Virginia.

Mr. Barnes successfully represented Johnson & Johnson in obtaining the dismissal of a state court class action seeking medical monitoring for Maryland residents who were treated with Propulsid. He has also

participated in the defense of products liability claims involving pharmaceutical and medical devices manufactured and distributed by Johnson & Johnson. Mr. Barnes has represented Pharmacia and Upjohn, Inc. in various pharmaceutical and general negligence matters in Maryland, the District of Columbia, and Arkansas. The case in Arkansas involved the death of a minor child allegedly caused by an alleged agent of the client.

For Vermont Talc., Mr. Barnes participated in defending 3500 products liability suits alleging injury from exposure to occupational dusts, including commercial talc. His responsibilities included preparing expert and medical evidence concerning medical causation and industrial hygiene, deposing expert and fact witnesses, and preparing pleadings and various motions. Mr. Barnes participated in the development and implementation of the national defense strategy.

For A.H. Robins Co., Mr. Barnes served on the trial team, which defended the client in products liability suits alleging serious personal injuries arising out of the use of the Dalkon Shield intrauterine device. With two current partners of Goodell, DeVries, Mr. Barnes was responsible for an active docket of 450 individual cases in Maryland and Washington, D.C. He developed expert witnesses, handled all phases of pre-trial discovery, drafted legal memoranda, argued motions, and second chaired the trials of cases in Maryland and in other jurisdictions. For the Dalkon Shield Claimants Trust, Mr. Barnes represented the client in the southeastern United States in dozens of matters alleging injury and damages from the Dalkon Shield. His responsibilities included the preparation and argument of all substantive pre-trial motions and the preparation of all aspects of pre-trial discovery. He also participated in the trial and/or arbitration of the claims through the appellate process.

In addition to his products liability practice, Mr. Barnes maintains an active practice in the area of commercial and business litigation. For Union Carbide, Mr. Barnes and another partner at Goodell, DeVries obtained directed verdicts on federal and state antitrust claims of monopolization of petroleum catalysis technology, and successfully prosecuted a counterclaim for theft of proprietary technology by a former employee.

Mr. Barnes defended two nationally based mortgage companies in the Circuit Court for Baltimore City regarding allegations of fraudulent/negligent mortgage lending practices. He has also provided advice to offshore mining companies regarding their potential liability for occupational exposures to various minerals.

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EDUCATION

Georgetown University (J.D., cum laude, 1981) (Editor, American Criminal Law Review)

Western Maryland College (B.A., magna cum laude, 1977) (Honors: Omicron Delta Kappa, Pi Gamma Mu)

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COURT ADMISSIONS

- Court of Appeals of Maryland
- District of Columbia Court of Appeals
- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia

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PROFESSIONAL AND CIVIC ORGANIZATIONS

- American Bar Association
- Maryland Association of Defense Trial Counsel
- Maryland State Bar Association (Committees on Budget & Finance; Pattern Jury Instructions; and Special Committee on Citizenship Law Related Education)
- District of Columbia Bar Association
- Baltimore City Bar Association
- Defense Research Institute
- Law Business Research: An International Who's Who of
- Product Liability Defense Lawyers
- Board of Trustees: Rodgers Forge United Methodist Church
- Dumbarton Middle School PTSA
- Towson Recreation Council: Girls Softball and Soccer Coach

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SIGNIFICANT REPORTED CASES

Kontoulas v. A.H. Robins Co., Inc., 745 F.2d 312 (4th Cir. 1984)

In re Teletronics Pacing Systems, Inc., 172 F.R.D. 271 (S.D. Ohio 1997)

Chertkov v. TPLC, Inc., 916 F.Supp. 608 (N.D. Tex. 1996)

In re Teletronics Pacing Systems, Accufix Atrial "J" Lead

Litigation, 168 F.R.D. 203 (S.D. Ohio 1996)

In re Teletronics Pacing Systems, Accufix Atrial "J" Lead Litigation, 164 F.R.D. 222 (S.D. Ohio 1995)

Kemp v. Pfizer Inc., 152 F.R.D. 556 (E.D. Mich. 1993)

Pfizer Inc. v. Food and Drug Administration, 753 F.Supp. 171 (D. Md. 1990)

EKA AB, Conteka B.V. v. Union Carbide Corp., 699 F.Supp. 77 (D. Md., 1988)

Bonstingl v. Maryland Bank, N.A., 662 F.Supp. 882 (D. Md. 1987);
aff'd., 841 F.2d 1122 (4th Cir. 1988)

In re Dalkon Shield Cases, 599 F.Supp.1351 (D. Md. 1984)

Pottratz v. Davis, 588 F.Supp. 949 (D. Md. 1984)

In re Dalkon Shield Litigation, 581 F.Supp. 135 (D. Md. 1983)

Serry v. Bethlehem Steel Corp., 64 Md. App. 175, 494 A.2d 748 (Md. App. 1985)

Furr v. Spring Grove State Hosp., 53 Md. App 474, 454 A.2d 414 (Md. App. 1983)

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